



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,902	02/22/2002	Errington Winfield Hibbert	018638-04-5032US	9364
9629 7590 11/26/2008 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
SWARTZ, JAMIE H				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
11/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/080,902

Applicant(s)

HIBBERT ET AL.

Examiner

JAMIE H. SWARTZ

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status

1. This action is in response to the amendment filed on October 17, 2007. Claims 36-80 are pending. Claims 1-35 are cancelled. Claims 36-80 are new.

Response to Arguments

2. Applicant's arguments with respect to claims 36-80 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The amendment filed October 17, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Applicant adds details to the claim of a "loan aggregation tool." The specification does not have any details about the loan aggregation tool, thus this is new matter. Applicant adds details about a "loan pool module." The specification does not have any details about the loan pool module, thus this is new matter. Applicant adds details about the sampling tool displaying a current loan sample size. The specification does not specifically teach a sampling tool displaying a current loan sample size, thus this is new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 51 and 66 are rejected under 35 U.S.C. 101 because the method claims are not attached to another statutory class. Based on a Supreme Court precedent (Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972)) and recent Federal Circuit decisions, it was decided that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. If neither of these requirements is met by the claim, the method is not a patent eligible process under § 101 and is rejected as being direct to non-statutory subject matter.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 36-50, 52, and 67 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant adds details to the claim

of a "loan aggregation tool." The specification does not have any details about the loan aggregation tool, thus this is new matter. Applicant adds details about a "loan pool module." The specification does not have any details about the loan pool module, thus this is new matter. Applicant adds details about the sampling tool displaying a current loan sample size. The specification does not specifically teach a sampling tool displaying a current loan sample size, thus this is new matter.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 36-50, 54, and 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Regarding claims 36, the phrase "the loans" renders the claim indefinite because of antecedent basis it is unclear whether the applicant is claiming the loans that are high risk or all the loans in the pool.

11. Regarding claims 39, 54, 70, the phrase "conditional-reject" renders the claim indefinite because it is unclear what the applicant means by a conditional rejection of a loan. Is it rejected only if?

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

14. Regarding claim 36, Acosta teaches a loan pool module to store loan-level data associated with each of one or more loans in a loan pool (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16). Acosta teaches a loan pool module to store loan-level data associated with each of one or more loans in a loan pool (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16). Acosta teaches a sample selection module to detect samples of different criteria in the loan pool, the sample selection module including a loan aggregation tool to aggregate the loans into a plurality of specific criteria results based on the loan-level data, and a sampling tool to select an amount of the loans from the plurality of results of a specific criteria up to a designated target loan sample size (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16, col. 9, lines 11-25). Acosta does not specifically teach wherein the sampling specifically involves high risk loans. However, Business Wire teaches wherein the selection tool detects high risk loans including different risk results (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

15. Regarding claim 37, Acosta teaches a current loan sample size and a target loan sample size (col. 9, line 11-25).

16. Claims 38, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Tealdi (US 20010029482 A1).

17. Regarding claim 38, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach the act of underwriting the loan. However, Tealdi teaches an automated underwriting tool to aggregate the loans based on one or more underwriting categories (§¶ 125-138). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of underwriting a loan into different categories into the system of Acosta. As in Tealdi it is within the capabilities of one of ordinary skill in the

art to add steps involved in loan processing to an invention which includes loan sampling. The technique of underwriting a loan was old and well known at the time of the invention.

18. Regarding claim 39, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach the act of underwriting the loan a into the categories of reject, prime and sub-prime. However, Tealdi teaches wherein the underwriting categories include reject, prime, and sub-prime categories (§ 125-138). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of underwriting a loan into different categories into the system of Acosta. As in Tealdi it is within the capabilities of one of ordinary skill in the art to add steps involved in loan processing to an invention which includes loan sampling. The technique of underwriting a loan including reject, prime, and sub-prime was well known in the art at the time of the invention.

19. Claims 40, 41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

20. Regarding claim 40, Acosta teaches wherein the loan aggregation tool includes an adverse selection query tool to aggregate the loans based on one or more loan parameters associated with a profile of the loan pool (col. 3, line 35-60). Acosta does not specifically teach wherein the sampling specifically involves loan risk. However, Business Wire teaches loan sampling in association with risk (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

21. Regarding claim 41, Acosta teaches wherein the loan parameters include one or more numeric field values associated with the loans (col. 1, line 63 – col. 3, line 16). Acosta does not specifically teach wherein the sampling specifically involves loan risk. However, Business Wire teaches loan sampling in association with risk (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to

measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

22. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Tealdi (US 20010029482 A1) in view of Official Notice.

23. Regarding claim 42, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach all the specific numeric fields as claimed.. However, Tealdi teaches wherein the numeric field values include current balance, loan-to-value, combined loan-to-value, debt-to-income ratio, and delinquent (§§ 116, 128, 146, 169). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of the specific numeric field values. As in Tealdi it is within the capabilities of one of ordinary skill in the art to add steps involved in loan processing to an invention which includes loan sampling. The various values were well known in the art to be associated with loans. Official Notice is taken that it was well known in the art of high risk loans to analyze the data associated with number of days delinquent.

24. Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

25. Regarding claim 43, Acosta teaches wherein loan parameters include one or more text field values associated with loans (col. 3, line 35 – col. 5, line 58).

26. Regarding claim 44, Acosta teaches wherein the text field values include property type, documentation type, origination channel, and product type (col. 3, lines 35-60).

27. Regarding claim 45, Acosta teaches sampling for a loan. Acosta does not specifically teach wherein the sampling specifically involves loan risk. Acosta does teach reporting loans, but does not teach the specific criteria of a high risk loan. However, Business Wire teaches wherein the loan aggregation tool includes a high risk reporting tool to aggregate the loans based on one or more high risk report categories (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better

borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

28. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Avery (1996) in view of Official Notice.

29. Regarding claim 46, the combination of Acosta and Business Wire teaches loan sampling involving risk. Acosta and Business Wire don't specifically teach all the specific high risk report categories. However, Avery teaches wherein the high risk report categories include high risk locations, portfolio concentrations, borrower concentrations, and zip code concentrations. Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk report categories. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan. The more categories analyzed the more information received on the loan and the better assessment that is made. Official Notice is taken that fraud results were well known in

the art at the time of the invention to check fraud results when doing any type of high risk report in relation to any type of financial banking, including loans.

30. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Tealdi (US 20010029482 A1).

31. Regarding claim 47, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach all the specific numeric fields as claimed.. However, Tealdi teaches wherein the risk results include automated underwriting results, adverse selection query results, and high risk profile results (§ 64, 187-188, abstract). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of the specific risk results. As in Tealdi it is within the capabilities of one of ordinary skill in the art to add steps involved in loan processing to an invention which includes loan sampling. The various risk results were well known in the art at the time of the invention to be associated with loans.

32. Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

33. Regarding claim 48, Acosta teaches wherein the sampling tool includes a loan selection tool to select an amount of loans from each result to fill the target loan sample size (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16, col. 9 line 11 - 25). Acosta does not specifically teach wherein the sampling specifically involves high risk loans. However, Business Wire teaches wherein the selection tool detects high risk loans including different risk results (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

34. Regarding claim 49-50, Acosta teaches loan sampling based on criteria. Acosta does not specifically teach random sampling. However, Business Wire teaches wherein the loan selection tool randomly selects the loans to fill the target loan sample size (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of random sampling. Random sampling's benefits lie in simple

probability given a large enough sample, a random selection should produce a representative cross-section of the thing being sampled. It is important for the purposes of analyzing the most data representative data possible.

35. Claims 51, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

36. Regarding claim 51, Acosta teaches designating a target loan sample size (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16). Acosta teaches aggregating loans in a loan pool into a plurality of results based on loan-level data associated with each of one or more loans in the loan pool (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16, col. 9, lines 11-25). Acosta teaches selecting an amount of loans from the plurality of results up to the designated target loan sample size (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16, col. 9, lines 11-25, col. 9, lines 11-25). Acosta does not specifically teach wherein the sampling specifically involves high risk loans. However, Business Wire teaches wherein the selection tool detects high risk loans including different risk results (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better

borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

37. Regarding claim 52, Acosta teaches a current loan sample size and a target loan sample size (col. 9, line 11-25).

38. Claims 53, 54, are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Tealdi (US 20010029482 A1).

39. Regarding claim 53, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach the act of underwriting the loan. However, Tealdi teaches an automated underwriting tool to aggregate the loans based on one or more underwriting categories (§ 125-138). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of underwriting a loan into different categories into the system of Acosta. As in Tealdi it is within the capabilities of one of ordinary skill in the art to add steps involved in loan processing to an invention which includes loan sampling. The technique of underwriting a loan was old and well known at the time of the invention.

40. Regarding claim 54, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach the act of underwriting the loan a into the categories of reject, prime and sub-prime. However, Tealdi teaches wherein the underwriting categories include reject, prime, and sub-prime categories (§¶ 125-138). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of underwriting a loan into different categories into the system of Acosta. As in Tealdi it is within the capabilities of one of ordinary skill in the art to add steps involved in loan processing to an invention which includes loan sampling. The technique of underwriting a loan including reject, prime, and sub-prime was well known in the art at the time of the invention.

41. Claims 55, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

42. Regarding claim 55, Acosta teaches wherein the loan aggregation tool includes an adverse selection query tool to aggregate the loans based on one or more loan parameters associated with a profile of the loan pool (col. 3, line 35-60). Acosta does not specifically teach wherein the sampling specifically involves loan risk. However,

Business Wire teaches loan sampling in association with risk (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

43. Regarding claim 56, Acosta teaches wherein the loan parameters include one or more numeric field values associated with the loans (col. 1, line 63 – col. 3, line 16). Acosta does not specifically teach wherein the sampling specifically involves loan risk. However, Business Wire teaches loan sampling in association with risk (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

44. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Tealdi (US 20010029482 A1) in view of Official Notice.

45. Regarding claim 57, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach all the specific numeric fields as claimed.. However, Tealdi teaches wherein the numeric field values include current balance, loan-to-value, combined loan-to-value, debt-to-income ratio, and delinquent (§ 116, 128, 146, 169). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of the specific numeric field values. As in Tealdi it is within the capabilities of one of ordinary skill in the art to add steps involved in loan processing to an invention which includes loan sampling. The various values were well known in the art to be associated with loans. Official Notice is taken that it was well known in the art of high risk loans to analyze the data associated with number of days delinquent.

46. Claims 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

47. Regarding claim 58, Acosta teaches wherein loan parameters include one or more text field values associated with loans (col. 3, line 35 – col. 5, line 58).

48. Regarding claim 59, Acosta teaches wherein the text field values include property type, documentation type, origination channel, and product type (col. 3, lines 35-60).

49. Regarding claim 60, Acosta teaches sampling for a loan. Acosta does not specifically teach wherein the sampling specifically involves loan risk. Acosta does teach reporting loans, but does not teach the specific criteria of a high risk loan. However, Business Wire teaches wherein the loan aggregation tool includes a high risk reporting tool to aggregate the loans based on one or more high risk report categories (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

50. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Avery (1996) in view of Official Notice.

51. Regarding claim 61, the combination of Acosta and Business Wire teaches loan sampling involving risk. Acosta and Business Wire don't specifically teach all the specific high risk report categories. However, Avery teaches wherein the high risk report categories include high risk locations, portfolio concentrations, borrower concentrations, and zip code concentrations. Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk report categories. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan. The more categories analyzed the more information received on the loan and the better assessment that is made. Official Notice is taken that fraud results were well known in the art at the time of the invention to check fraud results when doing any type of high risk report in relation to any type of financial banking, including loans.

52. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Tealdi (US 20010029482 A1).

53. Regarding claim 62, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach all the specific numeric fields as claimed.. However, Tealdi teaches wherein the risk results include automated underwriting results, adverse selection query results, and high risk profile results (¶ 64, 187-188, abstract). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of the specific risk results. As in Tealdi it is within the capabilities of one of ordinary skill in the art to add steps involved in loan processing to an invention which includes loan sampling. The various risk results were well known in the art at the time of the invention to be associated with loans.

54. Claims 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

55. Regarding claim 63, Acosta teaches wherein the sampling tool includes a loan selection tool to select an amount of loans from each result to fill the target loan sample

size (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16, col. 9 line 11 - 25). Acosta does not specifically teach wherein the sampling specifically involves high risk loans. However, Business Wire teaches wherein the selection tool detects high risk loans including different risk results (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

56. Regarding claim 64-65, Acosta teaches loan sampling based on criteria. Acosta does not specifically teach random sampling. However, Business Wire teaches wherein the loan selection tool randomly selects the loans to fill the target loan sample size (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of random sampling. Random sampling's benefits lie in simple probability given a large enough sample, a random selection should produce a representative cross-section of the thing being sampled. It is important for the purposes of analyzing the most data representative data possible.

57. Claims 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

58. Regarding claim 66, Acosta teaches a computer with a storage medium with instructions. Acosta teaches designating a target loan sample size (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16). Acosta teaches aggregating loans in a loan pool into a plurality of results based on loan-level data associated with each of one or more loans in the loan pool (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16, col. 9, lines 11-25). Acosta teaches selecting an amount of loans from the plurality of results up to the designated target loan sample size (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16, col. 9, lines 11-25, col. 9, lines 11-25). Acosta does not specifically teach wherein the sampling specifically involves high risk loans. However, Business Wire teaches wherein the selection tool detects high risk loans including different risk results (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

59. Regarding claim 67, Acosta teaches a current loan sample size and a target loan sample size (col. 9, line 11-25).

60. Claims 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Tealdi (US 20010029482 A1).

61. Regarding claim 68, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach the act of underwriting the loan. However, Tealdi teaches an automated underwriting tool to aggregate the loans based on one or more underwriting categories (§ 125-138). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of underwriting a loan into different categories into the system of Acosta. As in Tealdi it is within the capabilities of one of ordinary skill in the art to add steps involved in loan processing to an invention which includes loan sampling. The technique of underwriting a loan was old and well known at the time of the invention.

62. Regarding claim 69, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach the act of underwriting the loan a into the categories of reject, prime and sub-prime. However, Tealdi teaches wherein the underwriting categories include reject, prime, and sub-prime categories (§ 125-138). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of underwriting a loan into different categories into the system of Acosta. As in Tealdi it is within the capabilities of one of ordinary skill in the art to add steps involved in loan processing to an invention which includes loan sampling. The technique of underwriting a loan including reject, prime, and sub-prime was well known in the art at the time of the invention.

63. Claims 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

64. Regarding claim 70, Acosta teaches wherein the loan aggregation tool includes an adverse selection query tool to aggregate the loans based on one or more loan parameters associated with a profile of the loan pool (col. 3, line 35-60). Acosta does not specifically teach wherein the sampling specifically involves loan risk. However, Business Wire teaches loan sampling in association with risk (pg. 1-2). Acosta teaches

loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

65. Regarding claim 71, Acosta teaches wherein the loan parameters include one or more numeric field values associated with the loans (col. 1, line 63 – col. 3, line 16). Acosta does not specifically teach wherein the sampling specifically involves loan risk. However, Business Wire teaches loan sampling in association with risk (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

66. Claims 72 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Tealdi (US 20010029482 A1) in view of Official Notice.

67. Regarding claim 72, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach all the specific numeric fields as claimed.. However, Tealdi teaches wherein the numeric field values include current balance, loan-to-value, combined loan-to-value, debt-to-income ratio, and delinquent (§ 116, 128, 146, 169). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of the specific numeric field values. As in Tealdi it is within the capabilities of one of ordinary skill in the art to add steps involved in loan processing to an invention which includes loan sampling. The various values were well known in the art to be associated with loans. Official Notice is taken that it was well known in the art of high risk loans to analyze the data associated with number of days delinquent.

68. Claims 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

69. Regarding claim 73, Acosta teaches wherein loan parameters include one or more text field values associated with loans (col. 3, line 35 – col. 5, line 58).

70. Regarding claim 74, Acosta teaches wherein the text field values include property type, documentation type, origination channel, and product type (col. 3, lines 35-60).

71. Regarding claim 75, Acosta teaches sampling for a loan. Acosta does not specifically teach wherein the sampling specifically involves loan risk. Acosta does teach reporting loans, but does not teach the specific criteria of a high risk loan. However, Business Wire teaches wherein the loan aggregation tool includes a high risk reporting tool to aggregate the loans based on one or more high risk report categories (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

72. Claims 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Avery (1996) in view of Official Notice.

73. Regarding claim 76, the combination of Acosta and Business Wire teaches loan sampling involving risk. Acosta and Business Wire don't specifically teach all the specific high risk report categories. However, Avery teaches wherein the high risk report categories include high risk locations, portfolio concentrations, borrower concentrations, and zip code concentrations. Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk report categories. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan. The more categories analyzed the more information received on the loan and the better assessment that is made. Official Notice is taken that fraud results were well known in the art at the time of the invention to check fraud results when doing any type of high risk report in relation to any type of financial banking, including loans.

74. Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999) in further view of Tealdi (US 20010029482 A1).

75. Regarding claim 77, Acosta teaches loan sampling, while Business Wire teaches the loan sampling of high risk loans. The combination of Acosta and Business Wire does not specifically teach all the specific numeric fields as claimed.. However, Tealdi teaches wherein the risk results include automated underwriting results, adverse selection query results, and high risk profile results (¶ 64, 187-188, abstract). The combination of Acosta and Business Wire teach a risk loan sampling tool. Tealdi teaches an automatic system for handling loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of the specific risk results. As in Tealdi it is within the capabilities of one of ordinary skill in the art to add steps involved in loan processing to an invention which includes loan sampling. The various risk results were well known in the art at the time of the invention to be associated with loans.

76. Claims 78-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al (US 6643625 B1) in view of Business Wire (May 27, 1999).

77. Regarding claim 78, Acosta teaches wherein the sampling tool includes a loan selection tool to select an amount of loans from each result to fill the target loan sample

size (col. 3, line 35-60 and col. 1, line 63 – col. 3, line 16, col. 9 line 11 - 25). Acosta does not specifically teach wherein the sampling specifically involves high risk loans. However, Business Wire teaches wherein the selection tool detects high risk loans including different risk results (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of analyzing based on risk. Analyzing loans based on risk provides the ability to measure, and thereby improve, loan quality, while significantly reducing the operational costs of compliance. Improved loan quality attracts more and better borrowers, while insuring a portfolio premium with investors and agencies. Risk is also a well known characteristic of a loan.

78. Regarding claim 79-80, Acosta teaches loan sampling based on criteria. Acosta does not specifically teach random sampling. However, Business Wire teaches wherein the loan selection tool randomly selects the loans to fill the target loan sample size (pg. 1-2). Acosta teaches loan sampling based on various criteria while Business Wire teaches loan sampling specifically by the risk status of the loan. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Acosta to include the details of random sampling. Random sampling's benefits lie in simple probability given a large enough sample, a random selection should produce a representative cross-section of the thing being sampled. It is important for the purposes of analyzing the most data representative data possible.

Conclusion

79. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JAMIE H. SWARTZ** whose telephone number is (571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. S./
Examiner, Art Unit 3694

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694